

1 Submitting Counsel Appear on Signature Page
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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION
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10 SCOTT SALYER, individually, and as
11 Trustee of the Scott Salyer Revocable Trust,

12 Plaintiff,

13 vs.

14 SALYER AMERICAN FRESH FOODS;
15 FRED SALYER; LINDA SALYER LEE,
16 INDIVIDUALLY AND AS Trustee of the
17 Linda Salyer Lee Revocable Trust; THOMAS
18 WELCH; DONALD BLODGETT; and
19 LAWRENCE RYAN,

20 Defendants.

No. C 05-3562 JW (RS)

**STIPULATION TO EXTEND TIME TO
RESPOND TO FIRST AMENDED
COMPLAINT**

Before the Honorable James Ware

21 The undersigned parties hereby stipulate that all defendants shall have until December 26,
22 2006 to answer or otherwise respond to the First Amended Complaint in the above-captioned matter.

23 It is further stipulated that the hearing on any motion to dismiss filed on or before December 26, 2006
24 shall be set for hearing on February 12, 2006 to allow the plaintiff additional time to respond to the
25 motion to dismiss.

26 IT IS SO STIPULATED:

27 DATED: December 8, 2006

GORDON & REES LLP

28 By /s/ Brian P. Maschler
Brian P. Maschler, Attorneys for Plaintiff

1 DATED: December 7, 2006

GRUNSKY, EBEL, FARRAR & HOWELL

2 By /s/ Rebecca Connolly
3 Rebecca Connolly, Attorneys for Defendant
4 Salyer American Fresh Foods

5 DATED: December 7, 2006

FOLEY, BEZEK, BEHLE & CURTIS

6 By /s/ Thomas G. Foley
7 Thomas G. Foley, Attorneys for Defendants Linda
8 Salyer Lee and Fred Salyer

9 DATED: December 7, 2006

SPIERING, SWARTZ & KENNEDY

10 By /s/ Andrew H. Swartz
11 Andrew H. Swartz, Attorneys for Defendants
12 Thomas Welch, Donald Blodgett and Lawrence
13 Ryan

14 PURSUANT TO STIPULATION, IT IS SO ORDERED

15 DATED: 12/11/2006


16 JAMES WARE
17 UNITED STATES DISTRICT JUDGE

ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Rebecca Connolly, attest that concurrence in the filing of this document has been obtained from each of the other signatories.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 8th day of December, 2006, at Watsonville, California.

By: /s/ Rebecca Connolly